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8 Attorneys for Plaintiff
9 United States of America

10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA

12 THE UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 0.96 ACRES OF LAND, MORE OR LESS,
16 SITUATE IN SAN DIEGO COUNTY, STATE OF
CALIFORNIA; and SECURITY TITLE
17 INSURANCE COMPANY AS TRUSTEE OF ITS
TRUST #1696, ET AL.

18
19 Defendants.

Case No. 08cv1728 IEG (AJB)

JOINT MOTION FOR ORDER FOR
DISTRIBUTION OF JUST
COMPENSATION

20
21 COMES NOW Plaintiff, UNITED STATES OF AMERICA ("United States"), and Defendant,
22 SECURITY TITLE INSURANCE COMPANY AS TRUSTEE OF ITS TRUST #1696, by and through
23 the undersigned successor in interest, and make this joint motion for an Order of Distribution to
24 Defendant of Thirty-Five Thousand Dollars (\$35,000.00) deposited into the Registry of the Court by
25 Plaintiff as its estimated compensation, pursuant to 40 U.S.C. § 3114 and Rule 71.1 of the Federal Rules
26 of Civil Procedures.

27 1. Plaintiff has filed a Declaration of Taking and Complaint in Condemnation.

28 2. On September 23, 2008, Plaintiff United States of America deposited estimated just

1 compensation for taking the estate condemned, in the amount of Thirty-Five Thousand Dollars
2 (\$35,000.00) with the Clerk of the Court.

3 3. At the time of the filing of the Declaration of Taking, Defendant was the sole owner of
4 the property taken by the United States, which is more particularly described in the Declaration of
5 Taking.

6 4. SECURITY TITLE warrants that they were the fee owner of the property described in the
7 Complaint at the time of the taking and warrant that they have the exclusive right to withdraw the
8 estimated just compensation herein, and that no other party is entitled to the same or any part thereof.

9 WHEREFORE, THE PARTIES JOINTLY MOVE that the Court enter an order as follows:

10 1. The estimated just compensation of Thirty Five Thousand Dollars (\$35,000.00) plus any
11 interest accrued thereon shall be disbursed to Defendant, subject to the following conditions:

12 a. SECURITY TITLE shall pay all valid taxes, liens and encumbrances out of said
13 deposit disbursement;

14 b. Any amount paid to SECURITY TITLE from said deposit, and any sums paid
15 therefrom to others for taxes, liens and encumbrances, shall be in part payment
16 of any award finally made if the final award exceeds the amount of the deposit
17 of estimated just compensation;

18 c. If it is finally determined that SECURITY TITLE is not entitled to receive said
19 deposit, or any part thereof, SECURITY TITLE agrees to refund into the registry
20 of this Court said sum paid to SECURITY TITLE, or such part thereof as the
21 Court may direct, with interest at the rate of 52-week Treasury Bills, from the
22 date of receipt of the deposit by SECURITY TITLE to the date of repayment into
23 the registry of the Court, calculated in accordance with the provisions of
24 Fed.R.Civ. P. 71.1(j);

25 d. In the event that any other party is ultimately determined to have any right to
26 receive compensation for the property taken in this case, SECURITY TITLE
27 shall refund into the registry of the Court the compensation distributed herein,
28 with interest thereon, at the rate of 52-week Treasury Bills, from the date of

1 receipt of the deposit by SECURITY TITLE to the date of repayment into the
2 registry of the Court, calculated in accordance with the provisions of
3 Fed.R.Civ.P.71.1(j);

4 e. In the event a final judgment is entered for just compensation in an amount less
5 than that which has been paid to SECURITY TITLE, including amount expended
6 for taxes, liens and encumbrances, SECURITY TITLE agrees to refund forthwith
7 into the registry of the Court the amount by which such payments exceed such,
8 with interest at the rate of 52-week Treasury Bills, from the date of receipt of the
9 deposit by SECURITY TITLE to the date of repayment into the registry of the
10 Court, calculated in accordance with the provisions of Fed.R.Civ.P. 71.1(j);

11 f. This motion is made without prejudice to SECURITY TITLE's rights to claim
12 additional compensation for the taking of the subject property; and

13 g. The Clerk shall deduct ten percent of the accrued interest as authorized by the
14 Judicial Conference of the United States.

15 2. The Clerk of the Court should forthwith draw such check for Thirty Five Thousand Dollars
16 (\$35,000.00) plus any interest accrued thereon and less the authorized deduction, payable to the order
17 of "BANK OF AMERICA as successor in interest to SECURITY TITLE INSURANCE COMPANY
18 AS TRUSTEE OF ITS TRUST #1696," and deliver said check to BANK OF AMERICA as successor
19 in interest to SECURITY TITLE INSURANCE COMPANY AS TRUSTEE OF ITS TRUST #1696, at
20 its address of record. SECURITY TITLE shall apply the proceeds of said check to the prompt payment

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1 and discharge of all liens and encumbrances of record and unpaid taxes and assessments, if any, and the
2 balance to be retained by SECURITY TITLE.

3 Dated: October 31, 2008

Respectfully submitted,

4 KAREN P. HEWITT
5 United States Attorney

6 s/ Christopher B. Latham

7 CHRISTOPHER B. LATHAM
8 Assistant United States Attorney
9 BRETT NORRIS
10 Assistant United States Attorney
11 Attorneys for Plaintiff
12 United States of America

11 Dated: October 31, 2008

SECURITY TITLE INSURANCE COMPANY
AS TRUSTEE OF ITS TRUST #1696

13 By:

14 Shelley Eskildsen, VP

15 Shelley Eskildsen
16 Vice President – Trust Officer
17 Bank of America, Successor in Interest to
18 Security Title Insurance Company

19 By: Carol E. Guy, SVP
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Case No. 08cv1728 IEG (AJB)

THE UNITED STATES OF AMERICA,

Plaintiff,

v.

0.96 ACRES OF LAND, MORE OR
LESS, SITUATE IN SAN DIEGO
COUNTY, STATE OF CALIFORNIA;
and SECURITY TITLE INSURANCE
COMPANY AS TRUSTEE OF ITS
TRUST #1696, et al.,

Defendants.

STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

ss.

IT IS HEREBY CERTIFIED that:

I, Tricia R. Lamb, am a citizen of the United States over the age of eighteen years and a resident of San Diego County, California; my business address is 880 Front Street, Room 6293, San Diego, California; I am not a party to the above-entitled action; and

On November 12, 2008, I deposited in the United States Mail at San Diego, California, in the above-entitled action, in an envelope bearing the requisite postage, a copy of the following:

- JOINT MOTION FOR ORDER FOR DISTRIBUTION OF JUST COMPENSATION

addressed to:

See attached Service List

the last known address at which place there is delivery service of mail from the United States Postal Service. I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 12, 2008.


Tricia R. Lamb

United States of America v. 0.96 Acres of Land, et al.
08cv1728 IEG (AJB)

SERVICE LIST

Security Title Insurance Company
c/o Ofelia Hagle
PO Box 466
Jacumba, CA 91934

Jacumba Community Service District
1266 N. Railroad Street
PO Box 425
Jacumba, CA 91934

SCC Acquisitions
c/o Bruce Cook, Reg. Agent
2329 Morse Avenue
Irvine, CA 92614

Shelley Eskildsen
Vice President – Trust Officer
Bank of America
450 B Street, Suite 2000
San Diego, CA 92101

Burton Lazare
31449 Culbertson Lane
Temecula, CA 92591-7911

Howard Lazare
7375 Hillview Court
West Hills, CA 91367-5202

Willy Szczuka
PO Box 217
Jacumba, CA 91934

Rita Anderson
PO Box 217
Jacumba, CA 91934

Patrick and Lillian Joyce
43 Mirage Drive
Cathedral City, CA 92234-7044

William J. Woodward Family Trust
44245 Old Highway 80
Jacumba, CA 91934

Floydine Alexander
PO Box 157
Jacumba, CA 91934-0157

Floydine Alexander
44493 Old Highway 80
Jacumba, CA 91934

San Diego Rural Fire Protection District
Community Facilities District No. 1
14145 Highway 94
Jamul, CA 91935

Mary Wormsted
7104 Everglades Avenue
San Diego, CA 92119-2310

Mary Wormsted
PO Box 545
Jacumba, CA 91934-0545

Nelle Wormsted
7104 Everglades Avenue
San Diego, CA 92119-2310

County of San Diego Assessor's Office
1600 Pacific Highway
Room 103
San Diego, CA 92101-2429

La Salle Bank
Legal Department
135 S. La Salle Street, 9th Floor
Chicago, IL 60603

Linda Siegel
81-145 Avenida Sombra
Indio, CA 92203